

REMARKS

[0003] Applicant respectfully requests reconsideration and allowance of all of the claims of the application. Claims 1-36 are presently pending. Claims 1, 5, 7-10, 13-15, 21, 27, 28, 32, 34, and 36 are amended herein. Claims 3 and 4 are withdrawn or cancelled herein. No new claims are added herein.

Statement of Substance of Interview

[0004] The Examiner graciously met with me—the undersigned representative for the Applicant—on July 10 and spoke with me by telephone on July 15, 2008. Applicant greatly appreciates the Examiner’s willingness to talk. Such willingness is invaluable to both of us in our common goal of an expedited prosecution of this patent application.

[0005] During the interview, we discussed the pending 35 USC 112 rejections and how the claims differed from the cited reference, namely Hoggarth US Patent No. 6,535,976. Without conceding the propriety of the rejections and in the interest of expediting prosecution, I also proposed several possible amendments highlighting distinctions.

[0006] The Examiner was receptive to the discussion. However, the Examiner indicated that he would need to review the cited reference more carefully and/or do another search, and requested that the proposed amendments be presented in writing.

[0007] Applicant herein amends the claims consistent with the discussion during the interviews. Accordingly, Applicant submits that the pending claims are allowable over the cited art of record for at least the reasons discussed during the interview.

Formal Request for an Interview

[0008] If the Examiner's reply to this communication is anything other than allowance of all pending claims, then I formally request an interview with the Examiner. I encourage the Examiner to call me—the undersigned representative for the Applicant—so that we can talk about this matter so as to resolve any outstanding issues quickly and efficiently over the phone.

[0009] Please contact me to schedule a date and time for a telephone interview that is most convenient for both of us. While email works great for me, I welcome your call as well. My contact information may be found on the last page of this response.

Claim Amendments and Additions

[0010] Without conceding the propriety of the rejections herein and in the interest of expediting prosecution, Applicant amends claims herein. Applicant amends claims to highlight claimed features. Such amendments are made to expedite prosecution and more quickly identify allowable subject matter. Such amendments are merely intended to clarify the claimed features, and should not be construed as further limiting the claimed invention in response to the cited reference.

[0011] Claim 1 is amended to include subject matter from dependent claims 3 and 4.

[0012] Support for the amendments to the claims is found in the specification at least at pages 5, 11-12, 20-21.

Substantive Matters

Claim Rejections under § 112 1ST ¶

[0013] The Examiner rejects claims 28 AND 32-36 under § 112, 1st ¶, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In particular, the Examiner indicates that the phrases “comparing the assessment to authorized resources” and “authorized resources in a new unconfigured computing system” are not defined and thereby fails to specify the limitation of the claim. Applicant respectfully traverses this rejection.

[0014] Applicant notes that claim 28 as originally filed disclosed an “unconfigured computing system.” Moreover, the specification, at least at page 5 discloses a new computer system, and at least at page 20 discloses comparison to resources as claimed. Furthermore, in light of the amendments presented herein. Applicant submits that these rejections are moot. Accordingly, Applicant asks the Examiner to withdraw these rejections.

Claim Rejections under § 103

[0015] The Examiner rejects claims 1-36 under § 103. For the reasons set forth below, the Examiner has not made a prima facie case showing that the rejected claims are obvious.

[0016] Accordingly, Applicant respectfully requests that the § 103 rejections be withdrawn and the case be passed along to issuance. The Examiner's rejections are based on **Hoggarth**: *Hoggarth, et al.*, US Patent No. 6,535,976 (issued March 18, 2003).

Obviousness Rejections

Lack of Prima Facie Case of Obviousness (MPEP § 2142)

[0017] Applicant disagrees with the Examiner's obviousness rejections. Arguments presented herein point to various aspects of the record to demonstrate that all of the criteria set forth for making a prima facie case have not been met.

Based upon 1-36

[0018] The Examiner rejects claims 1-36 under 35 U.S.C. § 103(a) as being unpatentable over Hoggarth. Applicant respectfully traverses the rejection of these claims and asks the Examiner to withdraw the rejection of these claims.

Independent Claim 1

[0019] Applicant submits that the Hoggarth does not render obvious at least the following elements as recited in this claim (as amended, with emphasis added):

- * * *
- receiving, by a configuration agent at the server, an identifier associated with a computing system and a computing system user, wherein the identifier associated with the computing system and computing system user is received

from a first communications device associated with the computing system user, wherein the first communications device is not coupled directly to the computing system, and wherein the first communications device is selected from the group consisting of:

- a wireless telephony unit.
 - a cellular telephone,
 - a personal digital assistant.
 - a personal computer,
 - a KIOSK terminal,
 - an automated teller machine.
 - a wireline telephony unit.
 - a facsimile machine,
 - a video media player.
 - an audio system, and
 - a software defined radio unit;
- obtaining, by the configuration agent, from the server, data that specifies authorized resources corresponding to the received identifier;
- ***

[0020] The Examiner indicates (Action, pp. 6-7) the following with regard to this claim:

As per claim 1, **Hoggarth et al** discloses a method comprising: maintaining, on a server for each of a plurality of computing systems, client profiles and software profile (see column 7, lines 54-57; column 8, lines 16-20 and lines 43-51; and column 9, lines 5-10) the client profiles and software profile contain data that specify which resources are required for the computing system. Although **Hoggarth et al** does not use the term "authorized" as interpreted by the Examiner, since the clients systems have different configurations and the profiles contain information specific to a particular client, the resources for that particular client are not to be downloaded or installed in a different client which meets the claim recitation of authorized resources. Therefore, using the term authorized resources would have been an obvious modification to one of ordinary skill in the art at the time the invention was made so as to refer to specific resources are assigned to a specific client.

Hoggarth et al discloses receiving by a process (configuration agent) at the server a network address (identifier) associated with a computing system and computing system user (see column 7, lines 40-45). **Hoggarth et al** discloses the server process (configuration agent) obtains client profiles and software profile that contain data that specify which resources are required for the computing system (see column 7, lines 24-30; column 7, lines 54-57; and column 9, lines 5-10) that meets the recitation of the configuration agent obtaining from the server data that specifies authorized resources corresponding to the received identifier. **Hoggarth et al** further discloses the process server interrogating the computing system to produce an assessment indicating existing hardware and/or software computing system resources available on the computing system wherein software resources include one or more operating system, application(s), and personalized configuration setting information (see column 7, lines 19-30, lines 48-57, and column 9, line 57 through column 10, line 8). **Hoggarth et al** further discloses the server process identifying the authorized resources (software profile) with the assessment to identify one or more resources authorized but not installed on the computing system that meets the recitation of comparing the authorized resources with the assessment to identify one or more resources authorized but not installed on the computing system (see column 7, lines 19-30, lines 48-57, and column 9, lines 10-15) wherein one or more resources authorized but not installed does not include updates of currently installed resources (see column 7, lines 30-31 and 48-57, and column 9, lines 10-15 (other software)); and the server process automatically modifying the computing system resources by installing the one or more identified resources (see column 7, lines 48-57).

[0021] However, Hoggarth does not disclose or teach at least “receiving by a configuration agent at the server an identifier associated with a computing system and a **computing system user**.” Rather, the identifier in Hoggarth is not associated with a user.

[0022] Hoggarth also does not disclose or teach “obtaining, by the configuration agent, from the server, data that specifies authorized resources corresponding to the received identifier.” In Hoggarth, no resources are associated with the identifier—rather, the identifier not being included in a list of network addresses will trigger marking the client as needing scanning.

[0023] As shown above, the Hoggarth does not disclose or teach all of the elements and features of this claim. Accordingly, Applicant asks the Examiner to withdraw the rejection of this claim.

Dependent Claims 2 and 5-12

[0024] These claims ultimately depend upon independent claim 1. As discussed above, claim 1 is allowable. It is axiomatic that any dependent claim which depends from an allowable base claim is also allowable. Additionally, some or all of these claims may also be allowable for additional independent reasons.

Independent Claim 13

[0025] Applicant submits that the Hoggarth does not render obvious at least the following elements as recited in this claim (as amended, with emphasis added):

- a storage device to maintain a profile of personal resources specifying, for each of a plurality of computing systems, resources that are authorized for each of the plurality of computing systems; and
- a configuration agent, coupled to the storage device, to perform a method comprising:
 - receiving, from a communications device associated with a computing system user, an identifier associated with the communications device, wherein the communications device is not coupled directly to the computing system;
 - invoking an identification function to correlate the identifier to a corresponding computing system;
 - generating an assessment of current resources of the corresponding computing system;
 - identifying, by comparing the assessment with the resources that are authorized, one or more of the resources that are authorized and that are missing from the corresponding computing system, wherein one or more of the resources that are authorized and missing does not include updates of a currently installed-resource; and
 - automatically configuring resources of the corresponding computing system to include the identified resources that are authorized and that are missing.

[0026] The Examiner indicates (Action, pp. 10-11) the following with regard to this claim:

As per claim 13, **Hoggarth et al** discloses a server comprising: a storage device to maintain client profiles and software profile (see column 7, lines 54-57; column 8, lines 16-20 and lines 43-51; and column 9, lines 5-10) the client profiles and software profile contain data that specify which resources are required for the computing system. Although **Hoggarth et al** does not use the term "authorized" as interpreted by the Examiner, since the clients systems have different configurations and the profiles contain information specific to a particular client, the resources for that particular client are not to be downloaded or installed in a different client which meets the claim recitation of authorized resources. Therefore, using the term authorized resources would have been an obvious modification to one of ordinary skill in the art at the time the invention was made so as to refer to specific resources are assigned to a specific client.

Hoggarth et al discloses a process (configuration agent) coupled to the storage device (see column 4, lines 17-31) and receiving by a process (configuration agent) at the server a network address (identifier) associated with a computing system and computing system user (see column 7, lines 40-45). **Hoggarth et al** discloses the server process (configuration agent) generate an assessment of the current resources of the computing system (see column 7, lines 24-30; column 7, lines 54-57; and column 9, lines 5-10); (see also column 9, line 57 through column 10, line 8). **Hoggarth et al** further discloses the server process identifying the authorized resources (software profile) with the assessment to identify one or more resources authorized but not installed on the computing system that meets the recitation of identify by comparing the assessment with the authorized resources one or more of the authorized resources which are missing from the computer system (see column 7, lines 19-30, lines 48-57, and column 9, lines 10-15) wherein one or more missing authorized resources does not include updates of currently installed resources (see column 7, lines 30-31 and 48-57, and column 9, lines 10-15 (other software)); and the server process automatically configure resources of the computing system to include the identified resources (see column 7, lines 48-57).

[0027] However, Hoggarth does not disclose or teach at least "a profile of personal resources specifying, for each of a plurality of computing systems, resources that are authorized for each of the plurality of computing systems." Rather, Hoggarth discloses

separate client profiles and software profiles. These profiles of Hoggarth are not “resources that are authorized for each of the plurality of computing systems,” nor does Hoggarth disclose “automatically configuring resources of the corresponding computing system to include the identified resources that are authorized and that are missing” as recited in the claim.

[0028] As shown above, the Hoggarth does not disclose or teach all of the elements and features of this claim. Accordingly, Applicant asks the Examiner to withdraw the rejection of this claim.

Independent Claim 21 and 27

[0029] Independent claims 21 and 27 are amended to incorporate similar features, and are also asserted patentable over Hoggarth for at least similar reasons as discussed with respect to claim 13.

Dependent Claims 14-20, 22-26, and 28-31

[0030] These claims ultimately depend upon one of independent claims 13, 21, and 27. As discussed above, claims 13, 21, and 27 are allowable. It is axiomatic that any dependent claim which depends from an allowable base claim is also allowable. Additionally, some or all of these claims may also be allowable for additional independent reasons.

Independent Claim 32

[0031] Applicant submits that the Hoggarth does not render obvious at least the following elements as recited in this claim (as amended, with emphasis added):

- ***
- issuing a configuration request from a new computing system, wherein the new computing system has been provided without an operating system, applications, and configuration information pre-installed on the computing system, wherein the configuration request includes an identifier associated with the new computing system and a user of the new computing system and is configured to cause a recipient of the request to:
- ***

[0032] The Examiner indicates (Action, pp. 17-18) the following with regard to this claim:

As per claim 32, **Hoggarth et al** substantially discloses a method comprising issuing a configuration request from a new unconfigured computing system wherein the configuration request includes an identifier associated with computing system and/or computing system user (see column 7, lines 38-46), and is configured to cause a recipient of the request to generate an assessment of the current resources of the computing system (see column 7, lines 40-45; column 7, lines 19-30, lines 48-57, and column 9, line 57 through column 10, line 8);

Hoggarth et al discloses accessing client profiles and software profile (see column 7, lines 54-57; column 8, lines 16-20 and lines 43-51; and column 9, lines 5-10) the client profiles and software profile contain data that specify which resources associated by the identifier are required for the computing system. Although **Hoggarth et al** does not use the term "authorized" as interpreted by the Examiner, since the clients systems have different configurations and the profiles contain information specific to a particular client, the resources for that particular client

are not to be downloaded or installed in a different client which meets the claim recitation of authorized resources. **Hoggarth et al** further discloses the server process identifying the authorized resources (software profile) with the assessment to identify one or more authorized resources not installed on the computing system that meets the recitation of comparing the assessment to the authorized resources, to determine one or more of the authorized resources missing from the computer system (see column 7, lines 19-30, lines 48-57, and column 9, lines 10-15) wherein one or more missing authorized resources does not include updates of currently installed resources (see column 7, lines 30-31 and 48-57, and column 9, lines 10-15 (other software)); and receiving a response to the configuration request at the computing system, the response including the one or more computing system resources missing from the computing system, wherein the one or more computing system resources are automatically installed and configured on the computing system (see column 7, lines 48-61).

[0033] However, Hoggarth does not disclose or teach at least “wherein the configuration request includes an identifier associated with the new computing system and a user of the new computing system.” Rather, Hoggarth discloses separate client profiles and software profiles. These profiles of Hoggarth are not “associated with the new computing system *and a user of the new computing system*,” as is claimed. As shown above, the Hoggarth does not disclose or teach all of the elements and features of this claim. Accordingly, Applicant asks the Examiner to withdraw the rejection of this claim.

Dependent Claims 33-36

[0034] These claims ultimately depend upon independent claim 32. As discussed above, claim 32 is allowable. It is axiomatic that any dependent claim which depends

from an allowable base claim is also allowable. Additionally, some or all of these claims may also be allowable for additional independent reasons.

Dependent Claims

[0035] In addition to its own merits, each dependent claim is allowable for the same reasons that its base claim is allowable. Applicant requests that the Examiner withdraw the rejection of each dependent claim where its base claim is allowable.

Conclusion

[0036] All pending claims are in condition for allowance. Applicant respectfully requests reconsideration and prompt issuance of the application. If any issues remain that prevent issuance of this application, the **Examiner is urged to contact me before issuing a subsequent Action.** Please call or email me at your convenience.

Respectfully Submitted,

Lee & Hayes, PLLC
Representatives for Applicant

/Bea Koempel-Thomas #58213/ Dated: 09/02/08

Beatrice L. Koempel-Thomas (BEA@leehayes.com; x259)

Registration No. 58213

Customer No. **22801**

Telephone: (509) 324-9256

Facsimile: (509) 323-8979

www.leehayes.com